

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,) CR-11-0958-PHX-PGR
) **REPORT AND RECOMMENDATION**
Plaintiff,)
vs.)
Clark Timothy Poland,)
Defendant.)
_____)

TO THE HONORABLE PAUL G. ROSENBLATT, U.S. DISTRICT JUDGE:

Defendant Clark Timothy Poland was indicted by a federal grand jury on May 17, 2011, on one count of Assault on a Federal Employee, in violation of 18 U.S.C. §111(a) and §1114 (Doc. 13.) On June 1, 2011, Defendant was found incompetent and was committed to the custody of the Attorney General for restoration, pursuant to 18 U.S.C. §4241(d). (Doc. 19.) On January 5, 2012, the Court granted Defendant's request for additional treatment, and ordered the Defendant committed for an additional period. (Doc. 32.)

On May 10, 2012, Ms. Sara M. Revell, Complex Warden, Federal Bureau of Prisons, forwarded a forensic evaluation, authored by staff psychiatrist Dr. Kwanna Williamson, M.D., to the Court. (Doc. 35.) That report concluded that Defendant is competent to proceed to trial. (Id., at 10.) Based upon that report, Warden Revell issued a Certificate of Restoration of Competency to Stand Trial. (Id., at 3.)

The parties and Defendant appeared at a Status Hearing before this Court on June 5, 2012, and submitted the issue of Defendant's competency on the aforementioned materials provided by Warden Revell of the Federal Bureau of Prisons. Based upon this submission,

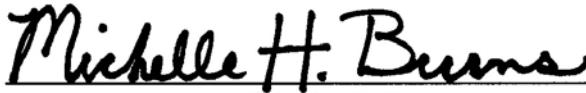
1 and a review of the subject materials, the court in open court adopted the findings,
2 conclusions, and recommendation set forth in the subject evaluation and recommended that
3 Defendant be found competent to proceed to trial, and indicated a written Report and
4 Recommendation would be filed.

5 The court finds that defendant does not suffer from a mental disorder that would
6 substantially impair his present ability to understand the nature and consequences of the court
7 proceedings or substantially impair his ability to assist counsel in her defense.

8 The court, therefore, **RECOMMENDS** that the District Court Judge conduct a *de*
9 *novo* review and enter its order regarding the competency of the defendant.

10 This recommendation is not an order that is immediately appealable to the Ninth
11 Circuit Court of Appeals. Any notice of appeal pursuant to Rule 4(a)(1), Federal Rules of
12 Appellate Procedure, should not be filed until entry of the district court's judgment. The
13 parties, in open court on June 5, 2012, waived their right to file specific written objections
14 to this recommendation as provided by statute and the Federal Rules of Civil Procedure.

15 DATED this 5th day of June, 2012.

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18 Michelle H. Burns
United States Magistrate Judge
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